STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15592 (TP242/2023)
Our File Reference Number: Erf 1431, Franschhoek
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [redacted]

Sir / Madam

APPLICATION FOR A DEPATURE AND REZONING OF A PORTION OF ERF 1431, FRANSCHHOEK FROM INDUSTRIAL ZONE TO MULTI-UNIT RESIDENTIAL

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows.

2.1 That the following applications in terms of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 on Erf 1431, Franschhoek for:

a) **Rezoning** in terms of Section 15(2)(a) of the said bylaw of a portion of the property from Industrial Zone to Multi-Unit Residential Zone to accommodate two (2) residential units measuring ±77m² for flat nr. 1 and ±50m² for flat nr. 2 (measuring a total coverage of ±127m²);

b) **Departure** in terms of Section 15(2)(b) of the said bylaw to relax the common building lines (adjacent to Erf 459 and Erf 456, Franschhoek) from **4,5** to **1,9m** and **1,0m** respectively to accommodate the residential units (flats).

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

3. **The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:**

3.1 The approval only applies to the proposed application under consideration, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

3.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

3.3 The conditions imposed by **the Director: Engineering Services** as contained in their memo dated 12 October 2023, attached as **ANNEXURE F**, be complied with.

3.4 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 20 November 2023, attached as **ANNEXURE G**, be complied with.

3.5 A detailed site development plan as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans, which site development plan must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, any relevant matters relating to Section 16(4) of the said Bylaw, and specifically the following matters: (list ant relevant matters to be addressed). The plan must, inter alia, include the following:

i) *An amended plan indicating the existing storage component as well as the (2) two residential units;*
ii) *Maximum of ten (10) on-site parking bays (tandem parking is not allowed;*
iii) *The portion to be rezoned to be clearly indicated on plan with applicable dimensions;*
iv) *Take cognisance of the engineer's comment as stipulated in paragraph 2.3* and attached as **ANNEXURE F**.
v) *Elevation plans; and*
vi) Landscaping

3.6 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and to be illustrated on the subject site development plan of the development to the satisfaction of the Municipality.

4. **The reasons for the above decision are as follows:**

4.1 The proposed use is in line with the character of the area.

4.2 The proposal will not have a negative impact on the surrounding properties and their rights as it is in keeping with the character of the area.

4.3 The proposal would also be of an appropriate scale that would relate to the surrounding townscape and land use character of the area.

4.4 No industrial land will be lost of compromised.

4.5 The proposal will not pose a traffic hazard.

5. **Matters to be noted**

5.1 Building plans be approved by the Municipality.

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

7. Appeals must be submitted by completing the required form with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law.

8. **Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za**

9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

10. The appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za or 021- 808 8684.

11. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
    (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
    (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.

(c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.

(d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

DATE 17/7/2024

ANNEXURE F

APPLICATION FOR A DEPATURE AND REZONING OF A PORTION OF ERF 1431, FRANSCHHOEK FROM INDUSTRIAL ZONE TO MULTI-UNIT RESIDENTIAL

COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES

STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag:	**Salome Newman**
From ▫ Van:	**Principal Technician: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Kurt Titus**
Date ▫ Datum:	**12 October 2023**
Our Ref ▫ Ons Verw:	**Civil LU 2539**
Town Planning Ref:	**LU/15592**
Re ▫ Insake:	**Erf 1431, Franschhoek ; Application is made in terms of Section 15(2)(a) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for a spot Rezoning of a portion of the property from Industrial Zone to Multi-Unit Residential Zone to accommodate three (3) residential units (measuring ±180m² in total) on Erf 1431, Fabriek Street, Franschhoek.**

The application for the rezoning of a portion of Erf 1431 is **recommended for approval**, subject to the conditions detailed under the heading **conditions of approval** below.

The proposed development plan is only conceptually supported, and must be re-evaluated for technical approval (see below for detail).

Conditions of Approval

1. **Civil Engineering Services**

1.1 With the subsequent stage of approval, a thorough SDP indicating all site boundaries, highlighting the portion of the property rezoned for development, show

proposed new internal services (if applicable) and any proposed upgrading of existing erf connection to municipal services. A parking layout plan indicating all relevant detail (see point 1.4 below with some requirements to consider)

1.2 The application very briefly defines the water and wastewater requirements to recommend this development for approval. Two erf service connection points for wastewater and one for water are currently shown on the most recent as-built drawing. If both of the two sewer connections are currently in use or just one of them, make sure to include it on the SDP when submitting for technical approval. Also, make sure to indicate the existing location of both water and wastewater erf connections.

1.3 If any upgrading is planned on any of the sewer and water erf connections, a engineering design plan must be submitted for approval. All cost resulting from the upgrade is for the developers account.

1.4 The Stellenbosch Municipal Zoning Scheme specifies the amount of parking bays that must be provided in a parking design that has been prepared by a registered professional engineer. Please be advised that any parking that is right next to a wall or any similar obstructions requires a 0.350 m increase in width.
A site layout showing the location of the site's entrance and the distance between the road and the entrance gate to be submitted. Parking bays P4-P9 will take direct access from the street - existing municipal infrastructure on the front sidewalk must be indicated on the SDP for approval.

1.5 Show how refuse will be managed and collected with the three proposed residential units generating household waste.

1.6 The updated SDP (Site Development Plan) and/or engineering drawings can be sent directly to Infrastructure Services through email to Development.admin@stellenbosch.gov.za and Kurt.Titus@stellenbosch.gov.za , where they will be circulated and reviewed for feedback by the appropriate departments.

2. Development Charges (DCs)

2.1 DC's are applicable.

2.2 A provisional DC will be calculated with the SDP technical approval.

2.3 The payable DC amount will be calculated with building plan approval by using the tariff structure and DC policy principles applicable at that stage or at the date of payment.

Ktitus

Kurt Titus
Principal Technician: Development (Infrastructure Services)

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ANNEXURE G

APPLICATION FOR A DEPATURE AND REZONING OF A PORTION OF ERF 1431, FRANSCHHOEK FROM INDUSTRIAL ZONE TO MULTI-UNIT RESIDENTIAL

COMMENT FROM THE MANAGER: ELECTRICAL SERVICES

15

Charlene Williams

From: Salome Newman
Sent: Monday, 20 November 2023 12:24
To: Charlene Williams
Subject: FW: ERF 1431, FRANSCHHOEK: APPLICATION FOR REZONING : ELECTRICAL ENGINEERING SERVICE (COMMENTS BY EMAIL)

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
20 NOV 2023
RECEIVED

Print en plaas op die leer asb

From: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>
Sent: Monday, 20 November 2023 12:19
To: Salome Newman <Salome.Newman@stellenbosch.gov.za>
Subject: RE: ERF 1431, FRANSCHHOEK: APPLICATION FOR REZONING : ELECTRICAL ENGINEERING SERVICE (COMMENTS BY EMAIL)

GENERAL: NONE
CONDITIONS: If any electrical services must move, remove, change or upgrade – apply via recoverable cost application, for applicants cost.
Subject to SANS 10142,204-1-2008, energy savings and efficiency implementation and Municipal bylaws – Only existing electrical connection is available.

1. Installation of 10A electrical control units 2. Solar water heating/heat pump installation

3. Energy efficient lightning 4. Roof insulation 5. Cooking with gas fired appliances 6. Control air condition equipment with energy saving devices. 7. Preheat at least 50% of hot water with alternative energy savings devices.

TX

FILE NR: E1431 FH
SCAN NR:
COLLABORATOR NR: 759885

Groete:
Martin Slabber
Sin. Supt. Dwarsrivier Elect.
Engineering Services

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